

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) STEPHEN HAMILTON,	)	
	)	
Plaintiff,	)	Western District of Oklahoma
	)	Case No.: <u>CIV-19-219-SLP</u>
vs.	)	
	)	Oklahoma County District Court
(1) SWIFT TRANSPORTATION CO. OF	)	Case No. CJ-2019-722
ARIZONA, LLC,	)	
(2) ALAN RAY PARKER,	)	
	)	
Defendants.	)	
	)	

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**NOTICE OF REMOVAL**

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TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO THE  
PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT, Pursuant to 28 U.S.C. §1441, Defendants Swift Transportation Company of Arizona, LLC, and Alan Ray Parker (hereinafter “Defendants”), hereby remove this action from the District Court of Oklahoma County, State of Oklahoma, to the Federal District Court in the Western District of Oklahoma, pursuant to 28 U.S. § 1332, 1441(a), and 1446. As grounds for removal, Defendants respectfully inform the Court of the following:

### **PROCEDURAL REQUIREMENTS**

1. Pursuant to 28 U.S.C. § 1446(d), these Defendants will serve written notice of the filing of this Notice of Removal upon Plaintiff and will file a copy of the Notice of Removal with the Clerk of the District Court in and for Oklahoma County, State of Oklahoma.

2. Pursuant to LCvR 81.2, a copy of the state docket sheet, as well as all documents filed or served in the state court action, are attached as **EXHIBITS 1-8**. As shown in the docket sheet, no scheduling order has been entered and there are no pending motions.

### **BACKGROUND INFORMATION**

3. On February 8, 2019, Plaintiff filed his Petition in the District Court of Oklahoma County, State of Oklahoma, with the case caption *Stephen Hamilton vs. Swift Transportation Co. of Arizona, LLC and Alan Ray Parker*, Case No. CJ-2019-722 (“state court action.”). See Exhibit 2, Plaintiff’s Petition.

4. Plaintiff seeks damages in excess of \$75,000. *Id.*

5. The subject lawsuit involves a motor vehicle collision that occurred on March 24, 2017, on I-40 near Portland Avenue in Oklahoma City, Oklahoma, Oklahoma County. It is alleged that Defendant Parker was traveling directly behind Plaintiff on I-40 when his tractor-trailer collided with Plaintiff’s semi-tractor trailer. *Id.*

6. Upon information and belief, Plaintiff is a resident of Pontotoc County, Oklahoma. *Id.*

7. Defendant Alan Ray Parker was at the time of the accident a resident of Evans, State of Georgia. *Id.* Defendant Parker is now a resident of Brigham City, Utah.

8. Defendant Swift Transportation Co. of Arizona, LLC is a foreign corporation incorporated in the state of Arizona, with its principal place of business in the state of Arizona. *Id.*

9. Upon information and belief, Defendants Swift Transportation Co. of Arizona, LLC and Alan Ray Parker were served with summons and petition on February 11, 2019 and February 12, 2019, respectively. See Exhibits 2-4, Proof of Service documents.

### **JURISDICTION**

10. This Court has removal jurisdiction over this lawsuit pursuant to 28 U.S. §§ 1441 and 1446 and based on diversity of citizenship between the Plaintiff and Defendants under 28 U.S.C. § 1332 and as alleged above.

11. Upon information and belief, as derived from Plaintiff's Petition, Plaintiff seeks an amount in excess of this Court's jurisdictional minimum of \$75,000.00, excluding interest and costs stated in 28 U.S.C. § 1332. See Exhibit 2.

12. Further, this Notice of Removal is timely filed with this Court, pursuant to 28 U.S.C. § 1446(b) and the Federal Courts Jurisdiction and Venue Clarification Act of 2011 ("JVCA"), because thirty (30) days since the last Defendant was served has not elapsed.

13. Additionally, pursuant to the same Federal Statute, one year has not elapsed since the commencement of this action.

14. Removal is being made to the proper Federal District Court. The pertinent language of 28 U.S.C. § 1446(a) provides that the Defendants shall file the Notice of Removal in “[T]he District Court of the United States for the district and division within which such action is pending.” 28 U.S.C. § 1446(a). This matter is being removed from the District Court of Oklahoma County, State of Oklahoma, a county within the confines of the Western District of Oklahoma. *See* 28 U.S.C. § 116(a).

15. Based on the above referenced statements and allegations, removal of this matter to this Court is proper.

### **CONCLUSION**

This case is proper for removal to this Court based upon diversity of citizenship. Plaintiff is a citizen of Pontotoc County and Defendants joined in this lawsuit have citizenship outside the state of Oklahoma. The amount of damages Plaintiff seeks exceeds the amount in controversy threshold. This Notice of Removal is timely filed. Therefore, all requirements for jurisdiction in this Court are satisfied.

Respectfully Submitted,



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Co. of Arizona, LLC & Alan Ray Parker*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 6th day of March, 2019, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Counsel for Defendants further caused the foregoing/attached pleading to be served upon counsel of record via U.S. Mail, postage pre-paid, to:

T. Luke Abel  
Abel Law Firm  
900 N.E. 63<sup>rd</sup> Street  
Oklahoma City, OK 73105  
*Attorney for Plaintiff*



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Timothy S. Harmon, Sr.